

United States District Court
for the Eastern District of Michigan

United States of America

vs.

Case number: 03-CR-80356-DT

DENNIS WAYNE VESEY, II

ORDER DEFINING COUNSEL'S PRESENTENCE REPORT RESPONSIBILITIES

Whereas this case is scheduled for sentencing, and counsel's response(s) to the Presentence Report are to be organized under Rule 32, Fed. R. Crim. P., and the applicable Local Rules, ***counsel will please note this court's format procedures*** to be observed:

- 1) **OBJECTIONS.** Counsel must ***use the attached Addendum format to express an objection.*** "Page," "paragraph" and "line" in the format refer to the Presentence Report. Objections are to be sequentially numbered beginning with 1. If additional space is needed, continue on a separate sheet. The following points must be included:
 - a) ***The factual or legal basis of the objection.*** The defense should particularly note the insufficiency of stating only that "the defendant disputes" some fact, or claiming that "the defendant says" or "states" something without referring to *specific* evidence in the record or discovery. If the defendant wishes to provide testimony, that should be noted. Claims that a guideline or application note has been incorrectly applied or omitted must be accompanied by a clear explanation.
 - b) ***Witnesses and/or documents.*** List on a separate sheet any witnesses' names, including a brief statement of the substance of the testimony and an estimate of the time required to present it; attach copies of documents to be presented.
- 2) **CORRECTIONS OF NON-MATERIAL FACTS; ALTERNATE CALCULATIONS.** Please ***do not use the Addendum format*** or the formal "objection" process to:
 - a) claim an immaterial factual or legal error, i.e., one that has no effect on guideline calculations nor forms the basis for a departure. Present such claims to the Probation Officer by letter or memorandum.
 - b) claim a mechanical result or alternate guideline calculation that depends on the resolution of a challenged factual item, or to "object" to required PSI comments such as factors for possible departure. Present such matters to the court in the form of a sentencing memorandum (provide a copy to the Probation Officer). The same deadlines apply to such memoranda as to Report objections.
- 3) **RESPONSES ARE REQUIRED.** When a party has presented a material objection that has not been accepted by the probation officer and remains for resolution by the court, ***the opposing party must forthwith respond (to the court) in writing*** whether or not the court specifically orders a response. Provide a copy to the Probation Officer. Responses should correspond to the numbering of the objection(s), set forth the party's position on the facts and the law, and state whether or not the party intends to present witnesses (including names and a brief statement as to substance and time estimates as above).
- 4) **MOTIONS FOR DEPARTURE.** Any such motion must be in writing and filed ***not less than seven days before sentencing.*** The opposing party is expected to respond before the sentencing date.

Date: _____

ROBERT H. CLELAND
United States District Judge

PRESENTENCE REPORT ADDENDUM

Defendant's name:

Docket #:

Date:

Objection #:

Page #:

Paragraph #:

Line(s) #:

Section I: Defendant's/Government's objection:

Attorney's signature (or)

Defendant's signature (or both)

Section II: Probation officer's comments: